(K) 1949.

File No. O. Wild Birds & Animals Protection/49

Legal Department

A **BRANCH**

Subject:—

Opinions under the Wild Birds and Animals Protection Act, 1912

P 7 1/2 (E)

File No. O. Wild Birds & Animals protection/49

Gen. 194

551-A

CONTENTS.

Legal Department File No. O. Wild Birds & Animals Protection/49.

Sr. No.	Compilation No.	Subject	Pages.
		Wild Birds and Animals Protection Act, 1912.	
1.	R.I.No. 9246 22/6/49. O. No. 7638 9/7/49.	Sec. 4(1) (i) Whether prosecution can be launched against Mr. Saudagar. (ii) If so, Whether it would be worthwhile to launch such a prosecution.....	1-2.

Bele. M.S.

Office of the R. L. A.

Prosecution of
Mr. N.B. Saudagar

The Wild Birds and
Animals Protection
Act, 1918.
Section 4(1).

The only direct evidence which can be placed before the Court consists of the confessional statements made by Mr. Saudagar to Forest Officials. It is extremely doubtful whether such statements would be admitted in evidence against Mr. Saudagar. It wil, therefore, be difficult for the prosecution to discharge their burden of proving that Mr. Saudagar killed the immature animal. The circumstances that it was found tied to the rear luggage-carrier of the car in which he was travelling may not suffice. Besides, the offence is punishable only with a fine of Rs. 50/-; and the practical difficulty of the Director of Parks and Gardens and the Secretary to the Premier having to give evidence in a distant Court has also to be considered. Since Mr. Saudagar's game license and gun licenses have now been cancelled, it does not seem worthwhile to pursue the matter further.

The R.L.A. agrees that steps should be taken early to tighten the law by providing for a deterrent sentence for such offences.

Sd/-

S/?

Remembrancer of Legal Affairs.

U.R. to R.D. No. 7638, dated the 9th July 1949.

Rele. M.S.